

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 36 is amended and claims 1-35 are cancelled herein without prejudice or disclaimer. Accordingly, by this Amendment, claims 36-44 are pending in the application. Re-examination and reconsideration of the application, as amended and in view of the following remarks are requested.

Claims 30 and 36 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the application regards as the invention. In particular, the Examiner stated that clarification is needed for the phrase "a sensor matrix protein" in claim 30 and the term "preparing" in claim 36. This rejection is moot with respect to cancelled claim 30 and is respectfully traversed with respect to claim 36, as amended herein. In particular, claim 36 is amended herein to replace the phrase "preparing a device substrate for sterilization" with the phrase "providing a device substrate." As described in the specification (for example, at page 12, lines 17-19) and shown in the drawings (Fig. 7), a substrate structure 70 is provided, where the substrate structure may be manufactured in a manner suitable for housing microelectronics and a matrix of biological molecules. It is respectfully submitted that the phrase "providing a device substrate" would be understood by one of ordinary skill in the art. Therefore, it is believed that claim 36, as amended herein, complies with 35 U.S.C. 112, second paragraph. The rejection of claim 36 is, therefore, respectfully traversed.

Claims 1, 2, 5-9, 11, 14, 19, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Odland (USP 5,989,498). Claims 3, 4, 10, 12, 13, 15, 18, 20-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odland (USP 5,989,498) in view of Clark, Jr. (USP 4,680,268). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odland (USP 5,989,498) in view of Clark et al. (USP 5,925,885). Claim 17 is rejected

under 35 U.S.C. 103(a) as being unpatentable over Odland (USP 5,989,498) in view of Clark, Jr. (USP 4,680,268) and further in view of Grabenkort (USP 5,143,617). Claims 26 and 30-34 are rejected under 35 U.S.C. 102(b) as anticipated by Clark, Jr. (USP 4,680,268). Claims 27-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, Jr. (USP 4,680,268) in view of Odland (USP 5,989,498).

Each of those rejections is moot, in view of the cancellation of claims 1-35 without prejudice. The rejected claims are cancelled herein without prejudice in an effort to expedite the allowance of the application with the presently allowed claims. Applicant reserves its right to seek patent protection for the subject matter of cancelled claims in an appropriate further patent application.

Applicant notes with appreciation the Examiner's statement that claim 36 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, second paragraph. Applicant also notes with appreciation the Examiner's statement that, while claims 37-44 are objected to as being dependent on a rejected base claim, those claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Because the rejection of claim 36 under 35 U.S.C. 112, second paragraph is overcome by the above amendment to the claim and associated remarks, it is respectfully submitted that claims 36 and dependent claims 37-44 are presently in condition for allowance. Re-examination and reconsideration of those claims and allowance of the application is requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

If, for any reason, the Examiner believes that the application is not in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los

Angeles, California, telephone number (310) 975-7963, to discuss any steps believed to be needed to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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